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6
7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION
9

10 In re:

11 NICHOLAS ANTHONY SOARES,

12 Debtor.

Case No. 10-61331-B-12

Chapter 12

D.C. No. PLF-2

Date: December 16, 2010

Time: 3:00 PM

13 Place: Dept. B, Ctrm. 12, 5th Floor
14 United States Courthouse
2500 Tulare St., Fresno, California

15 Judge: Hon. W. Richard Lee

16 **NOTICE OF MOTION TO VALUE COLLATERAL OF RABOBANK N.A.**

17 TO RABOBANK N.A.:

18 YOU ARE HEREBY NOTIFIED that the debtor has filed a motion seeking to value
19 collateral described as real property located at 276 South 7th Avenue, Kingsburg, CA 93631.
20 Debtor's opinion of the collateral's value is \$270,000. Debtor's purpose in valuing the
21 collateral is to determine the extent of Rabobank N.A.'s secured interest in the bankruptcy
22 estate. The lien senior to the claim of Rabobank N.A. is approximately \$182,351, so the extent
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1 of Rabobank N.A.'s secured claim is \$87,649. The Motion is set for hearing on the above date,
2 at the above time and place.

3 Pursuant to Local Rule 9014-1(f)(1), opposition, if any, to the granting of the motion
4 shall be in writing and shall be served and filed with the Court by the responding party at least
5 fourteen (14) calendar days preceding the date or continued date of the hearing. Opposition
6 shall be accompanied by evidence establishing its factual allegations. Without good cause, no
7 party shall be heard in opposition to a motion at oral argument if written opposition to the
8 motion has not been timely filed. Failure of the responding party to timely file written
9 opposition may be deemed a waiver of any opposition to the granting of the motion or may
10 result in the imposition of sanctions. Any opposition and evidence supporting the opposition
11 shall be served on the Trustee, debtor, and debtor's attorney at the address(es) stated below.

12 Any opposition shall specify whether the responding party consents to the Court's
13 resolution of disputed material factual issues pursuant to FRCivP 43(e) as made applicable by
14 FRBP 9017. If the responding party does not so consent, the opposition shall include a separate
15 statement identifying each disputed material factual issue. The separate statement shall
16 enumerate discretely each of the disputed material factual issues and cite the particular portions
17 of the record demonstrating that a factual issue is both material and in dispute. Failure to file
18 the separate statement shall be construed as consent to resolution of the motion and all disputed
19 material factual issues pursuant to FRCivP 43(e).

20 M. Nelson Enmark
21 Chapter 12 Trustee
3855 North West Avenue,
Suite 108
22 Fresno, California 93705

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Nicholas Soares
276 7th Avenue
Kingsburg, California 93631

23 Date: 11/1/2010

LAW OFFICES OF PETER L. FEAR
By: /s/ Gabriel J. Waddell
Gabriel J. Waddell